IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 273 (SS) of 2007

1. Tej Pal Singh, S/o Sri Basant Singh, presently posted as Investigator cum compiler, Office of conservator of Forest south Kumaon Circle, Tallital, Nainital.

2. Suresh Kumar Verma, S/o Sri Jagdish Saran Verma, presently posted as Statistical Assistant, Officer of Conservator of Forest, Kumaon, Nainial.

……Petitioners

Versus

1. State of Uttarakhand through Secretary, forest Department, Government of Uttarakhand, at Dehradun.
2. Principal Chief Conservator of Forest, Uttarakhand, at Dehradun.
3. Member Secretary, State Advisory Committee and Secretary, Government of U.P.

……Respondents

Hon'ble M.M. Ghildiyal, J

Heard Sri B.S. Adhikari, learned counsel for the petitioner, Smt. Beena Pandey, learned standing counsel for the State of Uttar Pradesh, on behalf of respondent no. 3 and Sri Paresh Tripathi, learned Brief Holder for respondent nos. 1 and 2.

Learned counsel for both the parties have submitted that writ petition may be decided at its admission stage itself.

By means of this writ petition the petitioner has prayed to issue a writ of Mandamus directing the respondents to not to reliever the petitioners for State of U.P. and not to disturb the peaceful functioning of the petitioner in State of Uttarakhand and further they may be finally allocated to State of Uttarakhand.

The submission of the petitioners is that petitioner no. 1 was appointed as Investigator cum complier, in the office of conservator of Forest, at Nainital on 11.12.1990 and petitioner no. 2 was appointed as Investigator cum complier, in the office of conservator of Forest, at Uttarkashi on 13.02.1981 and thereafter, in the year 1997 he was promoted as Statistical Assistant.

Petitioner are permanent residents of State of U.P. and they have opted for State of U.P. In the Tentative Final Allocation List, name of the petitioner no. 1 finds place for State of Uttarakhand. However, in the Final Allocation List, the name of the petitioner finds place for State U.P.

I do not find ground to restrain the respondents for not to reliever the petitioner for State of U.P. when the petitioner have finally allocate to State of U.P. in view of their options and being permanent residents of Sate of U.P.

During the curse of arguments, learned counsel for the petitioners confined his prayer that the petitioners may be given opportunity to move representation before the Competent Authority for redressal of their grievances.

In the forgoing circumstances, the petition lacks merit and, as such, is dismissed. However, the petitioners are at liberty to move representation before the authority concerned for redressal of their grievances.

(M.M. Ghildiyal, J)

April 26, 2007
SKSharma